

REMARKS

Applicant respectfully requests reconsideration of the subject application in view of the amendments and remarks set forth herein.

1. Claim Amendments

Applicant has amended independent claim 1, 11, and 17 to more precisely define the presently claimed subject matter. Support for the claim amendments is found in the specification, as filed. Independent claim 1 has been amended to further include the language of claim 9, per Examiner's recommendation. (*See Office Action paragraph 6, "Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim...."*) In addition, independent claims 11 and 17 have been amended to include the subject matter of dependent claim 9. Claim 9 has been cancelled, without prejudice. Applicant respectfully submits that no new matter is introduced by way of the foregoing claim amendments. Prompt entry of the proposed claim amendments is respectfully requested.

2. 35 USC § 102(b) Rejection

The outstanding Office Action sets forth rejections under 35 USC § 102(b) as follows:

Claim 1-2, 4-18, and 20 (are) rejected under 35 USC § 102(b) as being anticipated by Van Aken et al. (US6,043,894.)

In view of amended claims 1, 11, and 17, applicant respectfully traverses the rejection. Reconsideration of the foregoing Section 102 rejection is respectfully requested.

Currently, claims 1 and 11 have been amended to include the language of cancelled claim 9 thus stating, “wherein the selective transformation restandardizes the color measurement data from a first centroid to a second centroid.” In addition, claim 17 has been amended to recite “wherein the transformation restandardizes the color measurement data from a first centroid to a second centroid.” Accordingly, applicants submit that, Van Aken et al. does not anticipate these amended claims. Specifically, Van Aken et al. does not disclose or teach a method or a system wherein selective transformation restandardizes the color measurement data from a first centroid to a second centroid.

Moreover, the Examiner submits in paragraph 6 of the outstanding Office Action that, “[c]laim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fail to teach a method of transforming color measurement data by selectively transforming the color measurement data using the data transform or delta profile, so as to restandardize the color measurement data to the second color calibration standard, wherein the selectively transforming the restandardizes color measurement data is from a first centroid to a second centroid.(sic)” Thus, Claims 1, 11, and 17 have been amended in accordance with the Examiner’s suggestion. The amended independent claims 1, 11, and 17 comprising the subject matter of cancelled claim 9 should be regarded as allowable. Also, the subject matter of amended claims 1, 11, and 17 are neither disclosed nor suggested in Van Aken et al.

Applicant's amendments of independent claims 1, 11, and 17 to include the recitations of cancelled dependent claim 9 are without prejudice and do not indicate acquiescence in the outstanding rejection of independent claims 1, 11, and 17. Rather, the present amendments are made to advance prosecution of the present application to prompt allowance. Applicant expressly reserves the right to pursue the subject matter of original claims 1, 11, and 17, and any additional subject matter set forth in the present application, through one or more continuation applications.

Claims 2, 4-8, 10, 11-16, 18 and 20 are dependent upon claims 1, 11, and 17 respectively and should be allowable in existing form as being dependent upon allowable claims.

3. 35 USC § 103(a) Rejection

The outstanding Office Action sets forth rejections under 35 USC § 103(a) as follows:

Claims 3 and 19 are rejected under 35 USC § 103(a) as being unpatentable over Van Aken (et al.).

In view of amended claims 1 and 17, applicant respectfully traverses the rejection. Reconsideration of the foregoing section 103 rejection is respectfully requested.

Currently amended claim 1 and 17 have been amended to include the language of cancelled claim 9 thus stating "...wherein the selective transformation restandardizes the color measurement data from a first centroid to a second centroid." Van Aken et al. does not teach or suggest a method or a system wherein the selective transformation restandardizes the color measurement data from a first centroid to a second centroid. Since claims 3 and 19 are dependent upon claims 1 and 17 respectively, Van Aken et al. also fails to teach or suggest the subject matter of claims 3 and 19.

As discussed above, the Examiner submits in paragraph 6 of the outstanding Office Action that “[c]laim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fail to teach a method of transforming color measurement data by selectively transforming the color measurement data using the data transform or delta profile, so as to restandardize the color measurement data to the second color calibration standard, wherein the selectively transforming the restandardizes color measurement data is from a first centroid to a second centroid.(sic)” Thus, Claims 1 and 17 have been amended in accordance with the Examiner’s suggestion. The amended independent claims 1 and 17 comprising the subject matter of cancelled claim 9 should be regarded as allowable. Also, the subject matter of amended claims 1 and 17 are neither disclosed, nor suggested in Van Aken et al.

Accordingly, claims 3 and 19 are dependent upon claims 1 and 17, respectively and should be allowable in existing form as being dependent upon allowable claims.

In view of the above mentioned amendments and remarks, it is respectfully submitted that the claim rejections for 102(b) and section 103(a) are now obviated and should be withdrawn. Applicant respectfully submits that all claims are in condition for allowance. Early

and favorable action is earnestly solicited. If the Examiner believes that a telephone conversation may be useful in advancing prosecution of this application, he is invited to contact applicant's attorney at the number set forth below.

Respectfully submitted,

Date: April 28, 2006



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CERTIFICATE OF MAILING

I hereby certify that the enclosed Response to Office Action is being deposited with the United States Postal Service as first class mail, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2006.

Dated: April 28, 2006


Joan Simmons